



# City of Nevada City

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**PLANNING COMMISSION ACTION MINUTES  
THURSDAY, OCTOBER 18, 2018 1:30 PM  
Council Chambers – City Hall  
317 Broad Street - Nevada City, CA 95959**

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**•AUDIENCE MEMBERS DESIRING TO ADDRESS THE PLANNING COMMISSION ON ITEMS ON THE**

**AGENDA:** After recognition by the Chair, state your name, address and your comments or questions. Please direct your remarks to the Commission. So that all interested parties may speak, please limit your comments to the item under discussion. All citizens will be given the opportunity to speak, consistent with Constitutional rights. Time limits are at the discretion of the Chair. **•If you challenge** the Commission's decision on any matter in court, you will be limited to raising only those issues you or someone else specifically raised or delivered in writing to the Planning Commission at or prior to the meeting. **•Requests for disability-related modifications or accommodations** may be made by contacting the City Planner and should be made at least 72 hours prior to the meeting.

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**Mission Statement**

*The City of Nevada City is dedicated to preserving and enhancing its small town character and historical architecture while providing quality public services for our current and future residents, businesses and visitors.*

**PLEDGE OF ALLEGIANCE**

**ROLL CALL** Chair Steffen Hawkins-Snell, Vice-Chair Josie Andrews Commissioners Jason Rainey, Peter Van Zant, Stuart Lauters

**APPROVAL OF ACTION MINUTES**

1. September 20, 2018

Public: None

Motion by J. Rainey to approve minutes as amended by staff

Seconded by J. Andrews

**Vote: 4 ayes/0 noes/1 abstention (S. Hawkins-Snell)**

**PRESENTATION**

2. Presentation by Nevada City Arts Council – Eliza Tudor, Executive Director – “I Am Here”

**HEARING FROM THE PUBLIC:** Comments on items not on the agenda are welcome and are limited to three minutes. However, action or discussion by the Commission may not occur at this time.

See video record

**SIGN APPLICATION**

3. 419 Broad Street, Suite A – Louise “Lu lu” Sharpe, business owner – LuLu’s Chocolate

Public: None

Motion by J. Rainey to approve the sign as presented with the option of either gold leaf or the gold paint at the applicant's discretion

Seconded by J. Andrews

**Vote: 5 ayes/0 noes, motion carries**

### **TREE REMOVAL**

4. 210 Park Avenue – Joanie Gillispie, property owner – removal of 6 trees

Public: None

Motion by J. Andrews to approve the tree removal as presented

Seconded by J. Rainey

**Vote: 5 ayes/0 noes , motion carries**

5. 332 Jordan Street – Marc Keiler, property owner – removal of 19 trees

Public: None

Motion by P. Van Zant to approve the tree removal as presented with conditions as amended

Seconded by S. Lauters

**Vote: 5 ayes/0 noes, motion carries**

**ADDED CONDITION:** If ground disturbance and/or stump removal occurs within the 100-foot non-disturbance buffer of Deer Creek during the rainy season, October 15 through March 31, straw wattles shall be installed in a manner that prevents sediment from entering the creek channel.

6. 150 Grove Street – Peter Wilson, Mary Ann Cobb, Jesse Wilson

Public: None

Motion by J. Rainey to approve the tree removal as presented with conditions as amended

Seconded by P. Van Zant

**Vote: 5 ayes/0 noes, motion carries**

**ADDED CONDITION:** If ground disturbance and/or stump removal occurs within the 100-foot non-disturbance buffer of Deer Creek during the rainy season, October 15 through March 31, straw wattles shall be installed in a manner that prevents sediment from entering the creek channel.

### **ARCHITECTURAL REVIEW**

7. Clamper's Square (Railroad Avenue/Sacramento Street) – Nevada County Narrow Gauge Railroad Museum - proposed improvements

Public: See video record

Motion by P. Van Zant to recommend the improvements at Clamper's Square with modifications as follows:

- Consider relocating the crosswalk further south across Railroad Avenue in order to avoid pedestrian/vehicle interactions at the gas station ingress/egress
- Identify the pedestrian pathway from the park toward the museum
- Discourage long-term loitering by limiting seating areas

- Install a rail around the peninsula in a manner that directs pedestrians to safe crossing points to be reviewed and approved by the City Engineer
- Provide signage that promotes the museum on the rear side of the sign, facing the on-ramp

Seconded by J. Andrews

**Vote 5 ayes/0 noes, motion carries**

8. 229 Bridge Street – Susanna & David Petty, property owners - Residential remodel and addition

Public: None

Motion by J. Rainey to approve as presented making findings as provided in the staff report

Seconded by J. Andrews

**Vote: 5 ayes/ 0 noes, motion carries**

9. 514 Nevada Street- Dave Mann, owner representative – Detached one-car garage and storage area

Public: None

Motion by P. Van Zant to approve as presented making findings as provided in the staff report with liaison as assigned

Seconded by J. Rainey

**Vote: 5 ayes/ 0 noes, motion carries**

Liaison: P. Van Zant

## **PUBLIC HEARING**

10. Ordinance for the Regulation and Permitting of Wireless Telecommunication Facilities within the City Right of Way

Public: none

Motion by J. Rainey to recommend that the City Council find the proposed Ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to Title 14, Chapter 3, California Code of Regulations (CEQA Guidelines), Section 15061(b)(3). There is no possibility that the adoption of the Ordinance will have a significant effect on the environment, because the Ordinance allows for the permitting and regulation of wireless telecommunication facilities within the city Right-of-Way in a manner that is consistent with aesthetic standards of the City for facilities that are compliant with Federal Communications Commission (FCC) regulations.

Seconded by P. Van Zant

**Vote: 5 ayes/ 0 noes, motion carries**

Motion by J. Rainey to approve the attached RESOLUTION 2018-XX recommending that the City Council approve the Ordinance Amending the Nevada City Municipal Code to add Chapter 17.150 entitled

“Wireless Telecommunication Facilities in the Right of Way” with modifications presented by staff as follows:

- Under Section 17.150.020, Definitions: strike the term “small cell facility” in favor of “small wireless facility” and make applicable reference changes throughout draft Ordinance.
- Under Section 17.150.040 (C.1), strike reference to “Sales Tax Geographic Area” and change to “7-Hills Business District exhibit map” as presented by staff.

Seconded by P. Van Zant

**Vote: 5 ayes/ 0 noes, motion carries**

Motion by J. Rainey directing staff to return with Design Guidelines at a future meeting for consideration by the Planning Commission.

Seconded by J. Andrews

**Vote: 5 ayes/ 0 noes, motion carries**

Motion by J. Rainey to recommend that the City Council not adopt Design Guidelines until after the Planning Commission makes a recommendation for them.

Seconded by P. Van Zant

**Vote: 4 ayes/ 1 noe (S. Lauters), motion carries**

### **MEDICAL CANNABIS BUSINESS APPLICATIONS**

11. 138 New Mohawk Road – Yev Zebrov, business owner for ZYFA, Inc –Manufacturing (hydrocarbon extraction) and Distribution

Public: none

Motion by S. Lauters to find the project exempt pursuant to CEQA Guidelines Section 15301 (existing facilities) because the building is already existing and the proposed manufacturing and self-distribution use is consistent with the principal permitted uses allowed in the Light Industrial Zoning District pursuant to Section 17.48.020, and there is no expansion of use beyond what is already considered a permitted use.

Seconded by J. Andrews

**Vote: 4 ayes/ 0 noes/ 1 abstention (J. Rainey), motion carries**

Motion by J. Andrews to approve the application as presented to authorize a medical cannabis business permit to ZYFA, Inc for a manufacturing and distribution operation at 138 New Mohawk, Suites 214 through 219, and 251, subject to the recommended Conditions of Approval, attached, as modified by the planning commission, making findings “a” and “b” as provided in the staff report.

Seconded by P. Van Zant

**Vote: 4 ayes/ 0 noes/ 1 abstention (J. Rainey), motion carries**

**ADDED CONDITION:** The City reserves the right to postpone issuance of the Medical Cannabis Business permit(s), in the event of any pending criminal investigations of any principal of the subject business, until such time that the investigation is closed.

12. 138 New Mohawk Road – Chris Bondoc, business owner for Powerhouse Distribution Co.– Distribution

Public: none

Motion by J. Andrews to find the project exempt pursuant to CEQA Guidelines Section 15301 (existing facilities) because the building is already existing and the proposed manufacturing and self-distribution use is consistent with the principal permitted uses allowed in the Light Industrial Zoning District pursuant to Section 17.48.020, and there is no expansion of use beyond what is already considered a permitted use.

Seconded by P. Van Zant

**Vote: 4 ayes/ 0 noes/ 1 abstention (J. Rainey), motion carries**

Motion by S. Lauters to approve the application as presented to authorize a medical cannabis business permit to Powerhouse Distribution Company for a distribution operation at 138 New Mohawk, Ste 235 and 236, subject to the recommended Conditions of Approval, as modified by the planning commission, making findings “a” and “b” as provided in the staff report

Seconded by J. Andrews

**Vote: 4 ayes/ 0 noes/ 1 abstention (J. Rainey), motion carries**

**ADDED CONDITION:** The City reserves the right to postpone issuance of the Medical Cannabis Business permit(s), in the event of any pending criminal investigations of any principal of the subject business, until such time that the investigation is closed.

13. 138 New Mohawk Road – Laurel Gladish, business contact for Nevada City Trading Company, LLC– Distribution

Motion by J. Andrews to continue this item to the meeting of November 15, 2018

Seconded by P. Van Zant

**Vote: 4 ayes/ 0 noes/ 1 abstention (J. Rainey), motion carries**

14. 299 Providence Mine Road - Ken Armstrong, business owner for Full Bloom – Distribution, no cannabis product, marketing only

Public: none

Motion by J. Andrews to find the project exempt pursuant to CEQA Guidelines Section 15301 (existing facilities) because the building is already existing and the proposed manufacturing and self-distribution use

is consistent with the principal permitted uses allowed in the Light Industrial Zoning District pursuant to Section 17.48.020, and there is no expansion of use beyond what is already considered a permitted use.

Seconded by P. Van Zant

**Vote: 4 ayes/ 0 noes/ 1 abstention (J. Rainey), motion carries**

Motion by S. Lauters to approve the application as presented to authorize a medical cannabis business permit to Full Bloom for a distribution operation at 299 Providence Mine Road, subject to the recommended Conditions of Approval, as modified by the planning commission, making findings “a” and “b” as provided in the staff report

Seconded by J. Andrews

**Vote: 4 ayes/ 0 noes/ 1 abstention (J. Rainey), motion carries**

**ADDED CONDITION:** The City reserves the right to postpone issuance of the Medical Cannabis Business permit(s), in the event of any pending criminal investigations of any principal of the subject business, until such time that the investigation is closed.

**PLANNING COMMISSION LIAISON REPORTS** –Previously approved projects – **informational only**

**STAFF APPROVALS AND DETERMINATIONS – (for information only):**

322 Gracie Road – deck/porch replacement  
244 Commercial – like for like re-roof  
321 Park - Tree removal, one Maple  
210 Gethsemane – Tree Removal, 1 Walnut  
25 Turpentine – re-roof, window/door replacement  
310 Drummond – roof-mounted solar  
532 Coyote – Basement conversion

**CORRESPONDENCE:** Greater Cement Hill Neighborhood Association Letter

**ANNOUNCEMENTS:**

**Next Regular Meeting – November 15, 2018**

**ADJOURNMENT**

Motion by J. Andrews to adjourn at 4:54 PM

Seconded by S. Lauters

**Vote: 4 ayes/ 0 noes/ 1 absent (J. Rainey), motion carries**